



STATE OF NEVADA
Nevada State Board of Massage Therapists
1755 E. Plumb Lane Suite 252
Reno, NV 89502
(775) 688-1888

Governor Kenny Guinn

MINUTES

December 7, 2006, 9:30 am

BOARD MEMBERS

Reagan Alexander*
Karen Sartell*
Billie Shea*
Joe Cracraft*

NON-BOARD MEMBERS

Lisa Cooper*, Executive Director
Keith Marcher*, AG Office

BOARD MEMBERS:

Paula Spradling*
Michelle Viesselman
Deborah Wenig*
Linda White *

*Present

LOCATION:

Nevada Department of Justice
Office of The Attorney General
100 North Carson Street
Carson City, Nevada 89701

VIDEO CONFERENCE LOCATION:

Grant Sawyer State Office Building
Attorney General Conference Room 3315
555 E. Washington Ave
Las Vegas, Nevada

1. Roll call/Introduction of Board Members

Michelle Viesselman was absent. All other Board members were present.

2. Discussion/Approval on Board Minutes from prior meeting.

The October 26, 2006 minutes were approved with two corrections: Section 6, 4th paragraph, 3rd sentence was corrected to read 'The most common complaints against massage therapists are prostitution, not usually narcotics or stolen property.; and 6th section, 6th paragraph, 1st sentence, the word 'began' was changed to 'begin'. Debra Wenig made a motion that the Board approve the minutes with the modifications as stated; Paula Spradling seconded the motion and the Board approved the minutes.

3. List of massage license applications received by the Board

- Licenses approved and authorized by the Chair
- Review and approval or denial of expired licenses from local jurisdiction
- Discussion on applications in process
- Review and approval or denial application for Ying Want

Lisa Cooper reviewed the list of applicants that had been provided to the Board. She informed the Board that all the information provided was from information available as of November 30, 2006. The Chair had approved 77 applications since the last meeting. There were 20 applications that were ready to process and would be completed by December 8, 2006. In addition, there were 5 pending applications from massage therapists transferring from other states. Lisa Cooper reported that she was having problems with the two massage therapists transferring from Florida. The Florida State Board was not responding to inquiries. She would continue to work on getting a response from Florida. There were 8 pending applications waiting for the fingerprint reports. Currently it is taking about eight weeks to receive a fingerprint report.

The Board asked if the list of approved applications would be listed on the Nevada State Board of Massage Therapists web page? Lisa Cooper replied that the list of applications, along with the status, would be posted on the web page.

Lisa Cooper referred the Board to the list of eight pending applications who had an expired local license when they applied for a state license. Five of the pending applicants were from Douglas County, two were from the city of Reno and one was from Washoe County. Lisa Cooper reminded the Board that Douglas County stopped issuing licenses as of July 1, 2006. The Board discussed whether a license should be issued to these individuals. It was pointed out that historically the City of Reno and Washoe County had allowed a grace period of up to three months after the license expired for the massage therapist to obtain a new license. Paula Spradling made a motion that the Douglas applications be accepted and that the Washoe and Reno applications be accepted as long as the business license was current. Linda White seconded this motion and the Board unanimously approved the motion.

The Board then discussed whether to have a closed or open session to discuss the review and approval or denial of an application of Yin Wang. Yin Wang was present for the discussion as well as her brother-in-law John Tsai who acted as the translator and her lawyer, Benson Lee. Mr. Lee stated that he and his client had no problem with an open session but that they reserved the right to ask for a closed session. Keith Marcher informed the attendees that, although they could state their preferences for an open or closed session, it was up to the Board to decide if the session would be open or closed. The Board decided to have an open session.

Billie Shea asked if Ms. Wang had brought a current employment authorization card and a current health card. Mr. Tsai translated that Ms. Wang had a current card but she had left it at home. The employment authorization card is stamped on the back when it is renewed and she did not provide a copy of the back of the card. She can provide this. She is in the process of obtaining her green card. She also has a current health card. It is with her work identity at the Green Valley Spa. Ms. Shea pointed out that any decision made today is contingent upon Ms. Wang producing these documents.

Mr. Alexander asked why a translator was needed since Mr. Lee was also capable of translating and he also asked if Mr. Tsai was a court-appointed translator. Mr. Lee replied that Mr. Tsai was not a court-appointed translator but that Mr. Lee wanted an independent translator present. The Board agreed to accept Mr. Tsai as the translator.

Mr. Alexander informed the Board that Jim DiFore from the City of Las Vegas Business Office was unable to attend this meeting but had reviewed the chronology of the case with Mr. Alexander. The initial charge against Ms. Wang was soliciting/prostitution in May, 2005. It was amended to jaywalking and the conviction was for jaywalking as long as she stayed out of trouble.

Ms. Shea asked Ms. Wang "I she was currently working and if she had been in any trouble since May 2005." Mr. Lee pointed out that his client never admitted guilt for the initial charge and she has not been in any other trouble since May 2005. Mr. Tsai reported that Ms. Wang has been working at the Green Valley Spa since that time.

The Board discussed possible conditions that must be met for Ms. Wang to obtain a license. The possible conditions discussed included: must notify the State Board in writing within 48 hours of any contact with law enforcement; no outcall for 6 months to one year; work only in a supervised environment; could not work for Paradise Spa or the owners of Paradise Spa during the probationary period; must work in a supervised environment; must attend an ethics class within 90 days; must provide a criminal history for the time period before going off probation; and must provide the requested documents. The Board discussed these possible conditions along with the time frame. After discussion, Debra Wenig made the motion below. It was seconded by Joe Cracraft and approved by the Board. Keith Marcher will work with Lisa Cooper in drafting a letter containing these conditions and the letter will be sent to Ms. Wang and Mr. Lee.

Motion approved by the Board:

1. All contact with law enforcement must be reported within 48 hours to The Board.
2. No outcall service.
3. Not to take employment with any establishment owned by Paradise Salon, C&C Vegas Groups Inc., C & C International Physical Therapy Center, Country Spa, LLC, Asian Spa, LLC, US Professional Training School, LLC, or Qing Lou.
4. Complete 6 hours of ethics education within 90 days
5. Current Criminal history submitted with renewal for period of May 2005 to December 2007.
6. Adequate supervision while at work: Supervisor must be fully licensed as a Massage Therapists with the Nevada State Board of Massage Therapists.

Keith Marcher pointed out that anytime the Board placed an individual on probation and provided conditions that must be met, it was possible that the individual may have problems with one or more of the conditions. It was the responsibility of that person to then come back to the Board and report if he/she was having problems fulfilling the conditions of the probation.

4. Financial Report (bank balance, expenditures, outstanding bills)

Lisa Cooper reviewed the financial reports with the Board. Joe Cracraft asked if future budget reports could include the proposed budget and the date the report was prepared as well as the date though which the expenditures are reported. Lisa Cooper agreed to change the format. She also reported that employee insurance was put out to bid on December 1 and the lowest bid was accepted. Linda White made a motion to approve the financial report. It was seconded by Joe Cracraft and approved by the Board. Billie Shea reported that soon she and Lisa Cooper would begin working on the 2008 budget.

5. Discussion and approval of implementation of NRS 640C.170

a. NRS 640C.170 Salary of members; per diem allowance and travel expenses. Except as otherwise provided in NRS 640C.160, while engaged in the business of the Board:

1. Each member of the Board is entitled to receive a salary of not more than \$80 per day, as established by the board; and
2. Each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the

rate provided for officers and employees of this State generally. (added to NRS by 2005, 1123)

Billie Shea asked the Board to review NRS 640C.170 Salary of members, per diem allowance and travel expenses. Mr. Alexander pointed out that the Metropolitan Police Department, via Lieutenant Wells, has been generous and has paid all of his expenses for his time spent on the Board. At this time, he does not need any member's salary but he will let the Board know if his circumstances change. Ms. Cooper asked the Board members to submit contact information and a W-9 form to her. She also asked each Board member to let her know their mileage or other Board-related expenses. Each Board member is eligible to receive a salary of \$80 for the day of the Board meeting as well as one for a preparation day along with a per diem of \$26 for the Board meeting. Going forward, a check for the Board meeting will be included with the meeting packet.

6. Discussion/possible approval on office equipment
 - a. Copy machine
 - b. Computers

Lisa Cooper reported that she had went through the State Purchasing Office to obtain bids and included in the packet were the three bids that she had received for the copier. After discussion, Debra Wenig proposed and Paula Spradling seconded the motion, that the Board choose the Danika copier. The Board approved the motion.

There were two quotes for computer systems: one from Gateway and one from Dell. Paula Spradling asked which software programs were needed. Bill Shea responded that the office would need Quickbooks, Access, Word, Publisher, Powerpoint and those programs all came with Microsoft Office. After discussion, Linda White made a motion that was seconded by Paula Spradling that the Board choose the Dell computer. The Board approved the motion. Debra Wenig will donate Windows XP software to the office. That will provide software for the second computer in the office and the programs will be compatible with each other.

7. Discussion on Job Postings

Billie Shea informed the Board that she asked Lisa Cooper to post job listings for an administrative assistant and a chief investigator. The office is becoming very busy and more staff will be needed by February. The 2007 budget allows for two investigators and an administrative assistant. Billie Shea asked that the Board allow Ms. Cooper to hire appropriate staff as needed, including temporary staff, Karen Sartell asked if the temporary staff would be more expensive than hiring full time staff but, Ms. Cooper informed the Board that it would be about the same. The Board agreed that Ms. Cooper could hire staff as she felt it was appropriate.

Reagan Alexander stated that he would forward the chief investigator job description to various law enforcement publications that would reach a large number of law enforcement people. Paula Spradling suggested that Ms. Cooper use Craig's list on the web; it was free and she had had good luck in finding staff from that web site.

8. Discussion on progress of Local Jurisdiction & State Licensing
 - a. Clark County – No longer issuing licenses for new applicants
 - b. Las Vegas Metro – We have successfully received finger print cards from this agency without any issues for new applicants. (\$10.00 per card)
 - c. North Las Vegas – We have successfully received finger prints card from this agency without any issues for new applicants. (\$4.00 per card)

- d. City of Reno – Issuing General business licenses for renewal.
- e. City of Sparks – Received Blanket Letter
- f. City of Henderson – Received Blanket Letter

Lisa Cooper reviewed the above list with the Board members. Patricia Peal from the Clark County Business Office stated that Clark County had issued a blanket letter regarding licensing. They are now referring applicants with questions to the Board. Lisa Cooper stated that she is working on updating the questions and answers portion of the web page so that the massage therapy community would be aware of any special issues within a jurisdiction. Paula Spradling asked what is happening regarding the Oasis and Casa Blanca in Mesquite and Lisa Cooper responded that she is working with Mesquite.

Patricia Peal asked what the status was of a proposed combined letter from Clark County and the Board that had been discussed during the November 9, 2006 meeting. Lisa Cooper reminded her that it had been decided at the November 9, 2006 meeting not to issue the letter until the lawyers talked. Ms. Cooper suggested that the Clark County Business Office lawyer talk with Keith Marcher at the Attorney General's Office and if they decided they wished to draft a joint letter, then Clark County should draft a letter and send to Keith Marcher for review.

Regan Alexander informed the Board that the Metropolitan Police Department is not writing a citation to those massage therapists who have a state license but do not have a work card. He asked that if a memo of understanding is written between the Clark County Business Office and the Board, that the Metropolitan Police Department would be able to review the letter. Billie Shea responded that if a memo of understanding was written, it would be brought before the Board for review.

Reagan Alexander stated that it is important to let the spas know about the state licensing that will be mandatory July 1, 2007. Currently the Metropolitan Police Department is referring applicants to the Board and are not doing a work card unless the applicant demands one. Lisa Cooper stated that she is working with the spas on an individual basis as they call her and she hopes to get the word out again via the Las Vegas Spa Association regarding the July 1, 2007 deadline.

Joe Cracraft asked when the students could start the fingerprinting and background check process. The statute indicates that the background check has to be within 6 months of licensing. If the student does it early and then does not get licensed within that time period, the student may have to apply again. Lisa Cooper stated that she is working with a school now and will see how it works out.

9. Discussion on meeting in Chicago November 17 at NCTMB

Lisa Cooper reported that she attended the meeting in Chicago and had included the press release from the meeting in the packet. The press release reported that "A group of representatives of 21 state massage regulatory agencies met on November 17. Discussion centered on the need for creating a national database to collect licensure and disciplinary data regarding massage and bodywork therapists. The group reached consensus that a disciplinary database is a valuable tool in carrying out our mission as state regulatory boards to protect the public; therefore we have resolved to establish one. In a spirit of collaboration, a Steering Committee consisting of several states, NCBTMB, and FSMTB was formed to move the project forward and report back to the group. The mission of the Department of Health is to promote, protect, and improve the health of people living in, working in, or visiting the State of

Tennessee.” Karen Sartell asked why the press release referred to Tennessee but Lisa Cooper stated that it was unclear. She will keep in touch with the people who set up the meeting and report back to the Board any progress regarding the database.

10. NAC Workshop scheduled for December 28, 2006 at 1:00 pm to 4:30 pm.

Lisa Cooper informed the Board that the first Nevada Administrative Code Workshop has been scheduled for December 28, 2006. Keith Marcher told the Board that it was not necessary for Board members to attend. The purpose of the meeting is to solicit public comment and the meeting is generally not attended by Board Members.

11. Review and approval of board Meeting Schedule for 2007

a. Select Quarterly meeting dates

Lisa Cooper referred the Board members to the tentative monthly schedule for 2007. After discussion, it was decided that the Board would meet every other month beginning in January (January, March, May, July and September) through September. At a future meeting, they would finalize the meeting schedule for the final quarter of 2007. The meeting time has changed and the meeting will now begin at 9:00 a.m.

12. Discussion on interpretation of NRS 640C.400.8(c).

a. (c) In addition to any examination required pursuant to NRS640C.320 and except as otherwise provided in subsection 3, pass a written examination administered by any board that is accredited by the National Commission for Certifying Agencies, or its successor organization, to examine massage therapists.

Joe Cracraft asked that this item be placed on the agenda. The applicants who pass the written exam do not have to have a current license. Lisa Cooper stated that she would change the application to state expiration date (if applicable).

13. Board members attending other board Meetings

Billie Shea reported that Lisa Cooper attended a Chiropractic Board Meeting. Billie Shea stated that it was her understand that the Chiropractic Board would accept the massage therapist's state license to work in a chiropractor's office. Lisa Cooper found out at the meeting that the Chiropractic Board is not accepting the state license and is still having the massage therapists get special licenses through the Chiropractic Board if they work in a chiropractor's office. She urged the members to attend other Boards so the Massage Therapy Board would have visibility among boards that may have interests in common such as the Physical Therapy Board, Chiropractic Board, Veterinarian Board, and Cosmetology Board. The Board members agreed with this recommendation.

14. Future agenda items

Lisa Cooper asked the members to send her suggestions for the next agenda. One of the items to be discussed is exemptions. In addition, Regan Alexander asked that the Board begin discussing the format that law enforcement offices would use to report problems to the Board. He asked Keith Marcher to discuss this with the attorney at the Metropolitan Police Department (MPD). He said that the police would like to be able to send citations, etc. to the Board, but the officers were concerned regarding issues of confidentiality and these matters needed to be resolved.

15. Board Comments/Public Comments

Joanne Leming commented that she and the pending graduate students at her school are working closely with Lisa Cooper to get the applications through the system. She felt that it was a cakewalk and that the understanding level of the graduates is good.

There were no other comments.

16. Adjournment

The meeting adjourned at noon.